

EXHIBIT C

Osundairo and Osundairo vs Geragos, Glandian, and Geragos & Geragos Law Firm

Audio Transcription

Taken on: April 06, 2019



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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION

3 OLABINJO OSUNDAIRO and)
4 ABIMBOLA OSUNDAIRO,)
5 Individually,)
6 Plaintiffs,)
7 vs.)
8 MARK GERAGOS, TINA GLANDIAN, and)
9 GERAGOS & GERAGOS LAW FIRM,)
10 Defendants.)

11 The audio recording from 4/6/2019 held in the
12 above matter were taken down stenographically to the
13 best of her ability by Traci L. Gidley, Certified
14 Shorthand Reporter, Registered Professional Reporter,
15 and Notary Public, at 180 North LaSalle Street,
16 Suite 2800, Chicago, Illinois, commencing at 5:00 p.m.
17 on June 8, 2019.
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1 (Whereupon, the beginning of the
2 recording from 4/6/19.)

3 UNIDENTIFIED ANNOUNCER: This is Reasonable Doubt
4 with your hosts Mark Geragos and Adam Carolla.

15:42:01 5 MR. CAROLLA: May I get it on, got to on, judgment
6 get it on, mandate get it on, and welcome to the best
7 hour in the universe. It's Reasonable Doubt. I'm Adam
8 Carolla. It's Mark Geragos over there.

9 Mark, you're calling from where?

15:42:16 10 MR. GERAGOS: I'm calling from New York. I'm
11 getting prepared to pick a jury on Monday in Federal
12 Court here in Brooklyn. And (unintelligible) I really
13 like the fact that we do Reasonable Doubt on Friday
14 (unintelligible.) That's -- It's my favorite.

15:42:36 15 MR. CAROLLA: Sorry.

16 MR. GERAGOS: It's the perfect way to cap the week.

17 MR. CAROLLA: I agree. The phone was a little
18 screwy for a second, but we got the gist of what you're
19 saying.

15:42:44 20 Tina Glandian -- I think I'm pronouncing that
21 right -- is one of your associates, right?

22 MR. GERAGOS: Yep. She's -- She runs the New York
23 office.

24 MR. CAROLLA: And she's Jussie Smollett's attorney,

1 as well, right?

2 MR. GERAGOS: Correct. Correct. And I think she's
3 going to call in here shortly.

4 MR. CAROLLA: Yeah. I think we're going to grab
15:43:03 5 here.

6 MR. GERAGOS: And -- And She's the one -- She's the
7 one who in the pictures, if you see in court, has kind
8 of -- looks to be -- I won't tell her age, I think that
9 that's a problem -- she looks young --

15:43:14 10 MR. CAROLLA: Yes.

11 MR. GERAGOS: -- long kind of blondish hair.

12 MR. CAROLLA: Yes. I -- I can see her in my mind's
13 eye. And --

14 MR. GERAGOS: Right.

15:43:25 15 MR. CAROLLA: -- we'll talk to her. So breaking --

16 MR. GERAGOS: And quite a week -- Quite a week in
17 Smollettland.

18 MR. CAROLLA: Well, I'm going to set the table by
19 saying I've never gotten more hateful Tweets in my life
15:43:36 20 than after discussing the Smollett case with Mark
21 Geragos. So I now know what it's like --

22 MR. GERAGOS: Right.

23 MR. CAROLLA: -- to be, like, a hated politician or
24 something. And I -- I got to be honest, when I sit

1 around other celebrities and other folks and they go,
2 Oh, you know, all the haters, all the haters out there,
3 all the haters. And I never want to say anything, but
4 my fans are great. I read almost no negative Tweets
15:44:00 5 about me, and it was all awesome until last week. And
6 then --

7 MR. GERAGOS: I know. It's -- And then they came
8 out, and it was the -- and the level of, how should I
9 put it, just kind of vitriol --

15:44:15 10 MR. CAROLLA: Yeah.

11 MR. GERAGOS: -- is -- is that next level. I don't
12 even get it. I -- It -- It really -- They -- There are
13 certain cases and certain things that just hit a nerve,
14 and this, obviously, is one of them. It just hits a
15:44:31 15 nerve.

16 I think I told you the first -- the first week
17 when he came in and I was talking with him and I just
18 finished a -- wrapped up Kaepernick, and then this case
19 came in, and I was like -- I -- I think I said I could
15:44:48 20 have just kind of ridden into the sunset on a high, but
21 I guess I -- I just love to rile up the crazies. I
22 don't know.

23 MR. CAROLLA: Well, you're --

24 MR. GERAGOS: (Unintelligible.)

1 MR. CAROLLA: -- you're definitely one of those
2 people. There's -- There's two kinds of people.
3 There's one kind of person that has a toothache, so they
4 immediately go to the dentist. And then there's another
15:45:07 5 kind of person that has a toothache, so they flick it
6 with their tongue three times a day so it makes them
7 feel like they're alive. So if you're a teenage girl,
8 you definitely cut on yourself. There's no doubt about
9 it.

15:45:20 10 Tina -- Attorney Tina, Gary, is going to pop
11 up on one lines, but I'm not seeing her -- oh. Now she
12 is on --

13 MR. GERAGOS: I think she's trying in --

14 MR. CAROLLA: Tina --

15:45:28 15 MR. GERAGOS: While we're waiting for that, can I
16 say one thing?

17 MR. CAROLLA: Yeah. Go ahead.

18 Just put her on hold, Gary.

19 (4:56 into the podcast was a
15:45:34 20 commercial for Tommy John.)

21 MR. CAROLLA: So Tina's on Line 5. Tina is
22 Jussie's attorney.

23 Tina, can you hear -- can you hear us?

24 MS. GLANDIAN: I can hear you, yes.

1 MR. CAROLLA: Oh. That's good. Thank you.

2 All right. So let's see if we can work Gary's
3 technological miracle here of having everyone in a
4 different state and putting it all together on the same
15:46:59 5 podcast.

6 So breaking news which is City of Chicago
7 wants 130 large as reimbursement.

8 First, catch us up on -- on that piece of
9 news, if you could, Tina.

15:47:12 10 MS. GLANDIAN: Sure. So we -- we sent a response
11 back. They had given us a deadline of a week, which was
12 totally arbitrary. They, obviously, don't have to do
13 anything within a week. But we responded by letter,
14 basically, setting forth all the reasons why they can't
15:47:25 15 do what they're trying to do, and then -- so saying, you
16 know what, if they -- if they insist on moving forward,
17 we're happy to do so.

18 We plan to takes the depositions of Mayor Rahm
19 Emanuel, Eddie Johnson, a couple of others, their
15:47:41 20 attorneys, and let the public actually hear the truth in
21 this case.

22 MR. CAROLLA: I'm guessing you guys -- and -- and
23 this -- I don't know if this would be unprecedented. I
24 don't -- I've never heard of a time of when they were

1 re-compensated or compensated for a case that they
2 dropped, but has it ever happened in the annals of court
3 history, as far as you know?

4 MS. GLANDIAN: Not from our research, no. And the
15:48:06 5 statute they're actually relying on is not -- this is
6 kind of part of Chicago's off claims act statute which
7 is really not for anything like this, and our research
8 hasn't -- has disclosed no cases where it's been used
9 for (unintelligible) and, you know, for an
15:48:22 10 investigation. So it's totally unprecedented, and I
11 think the way they're trying to apply this is totally
12 unconstitutional under the facts of this case.

13 MR. CAROLLA: Are they attempting to save face in
14 the public's eye because the outrage amongst the public
15:48:37 15 was -- was so -- was so demonstrative?

16 MS. GLANDIAN: Yeah. I think that's exactly what
17 they're trying to do by this.

18 MR. CAROLLA: Is -- Is -- Are you guys -- maybe
19 this is more of a question for Mark -- we don't have to
15:48:49 20 get into numbers here, but you're talking about throwing
21 good money after bad here. I mean, when you're talking
22 about sitting down and deposing the mayor and the police
23 chief and -- you know, over a case that there's no pot
24 of gold at the end of the rainbow.

1 Kaepernick suing the NFL, I get the upside of
2 that, this, no -- no financial upside. So what's in it
3 for you? How's it working? Who pays the bills?

4 MR. GERAGOS: You know, that's a very interesting
15:53:15 5 thing because people often ask why do you do this or why
6 don't you.

7 And especially for haters, the thing that I
8 think they should understand is if they're going to do
9 this to somebody -- and, by the way, you know, the same
15:53:33 10 person who's got three followers who's vitriol because
11 they know he's guilty even though they've never seen the
12 discovery because it's never been released and there --
13 the file is sealed, but they're positive because the
14 Chicago superintendent and police went on TV and made
15:53:52 15 this -- this case which was demonstrably wrong, and then
16 Ms. State's Attorney, when they took a look at the file,
17 stood up, and dismissed it knowing, of course, that
18 anybody who -- who's ever practiced in the criminal law
19 field know that to get a prosecutor to dismiss, you must
15:54:11 20 have -- you must have an issue.

21 And, clearly, as I've said on a couple of the
22 previous episodes, the issue here was that the
23 superintendent of police went out there and said
24 demonstrably false things. They knew that they couldn't

1 back it up, they knew that ethically that that was a
2 real challenge because you're not supposed to go out
3 there and do that.

4 And so the State's Attorney did something that
15:54:36 5 was brave and said, Look, it's a Class 4 felony. We're
6 not going to get into this. We don't have
7 corroboration, which is what I said from Day 1. And
8 what I mean by corroboration is just because somebody
9 says you did something or somebody says you knew
15:54:51 10 something does not mean that you did. That's not
11 America. That might be North Korea, that might be the
12 old Soviet Union, but it's not the American criminal
13 justice system.

14 MR. CAROLLA: Circling back to the question --

15:55:07 15 MR. GERAGOS: Just going back to your answer is if
16 I get this dismissed and then I tell the guy, Oh, just
17 write them a check so that Rahm Emanuel, the diminutive
18 outgoing mayor of Chicago, can showboat on his way out
19 the door because, like, he didn't -- mind you, this is
15:55:24 20 the same guy and the same people who are so
21 (unintelligible) the first people who will tell you that
22 he ran the city into the ground, and he couldn't get
23 re-elected, and the superintendent of police is not
24 going to be superintendent of police for much longer,

1 either, because they just elected a new mayor.

2 If I'm going to walk away from that and say,
3 Okay, you can go showboat, that's it, then why am I
4 doing what I do?

15:55:48 5 So, yeah, I don't always do it for the money.
6 There are mixed motivations. If I always did it for the
7 money -- I've said this to my young lawyers -- there are
8 easier ways to make a living than to do what we do.
9 so --

15:56:00 10 MR. CAROLLA: So this -- this falls -- This
11 falls --

12 MR. GERAGOS: At a certain point --

13 MR. CAROLLA: -- under the heading of
14 (unintelligible.)

15:56:05 15 MR. GERAGOS: -- somebody needs -- yeah, it really
16 does.

17 MR. CAROLLA: Well, I mean, Jussie --

18 MR. GERAGOS: It is.

19 MR. CAROLLA: I'm just -- I'm just trying to ask --
15:56:14 20 I'm trying to anticipate all the horrible questions I
21 get via Twitter the next day when they want to know, Why
22 didn't you ask him this and why didn't you ask him that?

23 So I'm guessing at your hourly rate, your
24 standard rate, Jussie Smollett is not paying you to

1 continue billing him on an hourly rate; this is
2 something that you guys have picked up, maybe sort of
3 pro bono, and said, This is more than a payday; this is
4 something -- this is a --

15:56:39 5 MR. GERAGOS: Right. Let's --

6 MR. CAROLLA: -- wrong that needs to be righted.

7 MR. GERAGOS: Let's not get excess- -- Let's not
8 get excessive about pro bono, but at the same time --

9 MS. GLANDIAN: I'm trying to twist Mark's arm on
15:56:49 10 that, but I don't know if we're there yet.

11 MR. GERAGOS: Yeah. Tina would -- Yeah. Tina --

12 MS. GLANDIAN: I would do this pro bono.

13 MR. GERAGOS: Tina -- Tina may be pro bono. I -- I
14 consider it more for the principal.

15:56:58 15 MR. CAROLLA: Yeah.

16 MR. GERAGOS: I just don't think that a pol- -- I
17 really feel strongly that if a prosecutor stands up and
18 does the right thing and says, I looked at the evidence,
19 and there -- we couldn't make our case, and so I'm going
15:57:14 20 to dismiss, and then some politician showboats on the
21 back of that -- and that's exactly what it was; it was
22 grandstanding -- that somebody's got to stand up for it.
23 If you don't do that, then why where are you practicing
24 law?

1 And, by the way, the -- the vitral -- as you
2 know, I kind of do -- I -- I don't mind it, I -- you
3 know, I find some solace in the people who are critics.
4 If it were somebody who I thought had thought about it
15:57:42 5 or had a nuanced view about it or had actually examined
6 it, then I probably would be concerned. But if it's
7 somebody who's just unhinged, that's fine. I get it.

8 But, you know, the first time that same critic
9 gets on a 52/50 hold for 14 days just because there --
15:58:01 10 they're -- they're psycho, but they're not a threat to
11 themselves or others, they would want somebody who
12 challenges the State's authority of -- unbridled
13 authority.

14 This is bullshit. It's just bullshit that
15:58:16 15 you -- they haven't proven a case, and that the mayor
16 gets out there, grandstands it, and wants to then -- she
17 used a statute that has never been intended to be used
18 this way to -- to, basically, frighten people. And, you
19 know, there is an old adage about if you don't take a
15:58:35 20 stand at a certain point and then -- especially in the
21 law -- then guess what? Then they expand it even
22 farther. That's what the law is all about.

23 MR. CAROLLA: All right. So, Tina, you were on
24 Good Morning whatever last week or whenever it was and

1 you were --

2 MS. GLANDIAN: Right.

3 MR. CAROLLA: -- talking about the theory about
4 possible white face. I think most people didn't agree
15:58:56 5 with that theory.

6 But what is the general concept in -- in broad
7 strokes of what happened that night, according to your
8 client? Just to hear it from your -- your mouth.

9 MS. GLANDIAN: Sure. So what happened that night
15:59:11 10 is so -- as you know, he had hired the brother -- the
11 one brother. And, again, just to -- to make sure that
12 this is clear, he only really had a relationship with
13 one brother. The older brother, he had only met on a
14 handful of occasions, so silly through the younger
15:59:27 15 brother who he was friendlier with, and, you know, he
16 didn't have the phone number for the older brother.
17 They never, you know, on their own communicated. This
18 wasn't somebody he knew, again, more than just in
19 passing through the younger brother.

15:59:36 20 But, anyway, so he had hired Abimbola who he
21 knew as Bon who I think has been referred to as Abel in
22 this case to train him for this upcoming music video,
23 and they were in constant communication. And, again,
24 there's dozens of texts between them that show that he

1 had been hired for the nutrition and training, and that
2 they were going back and forth with the -- with, you
3 know, a nutrition plan, training plan, and planning
4 workouts and things of that nature.

16:00:01 5 And so Jussie was actually flying back from
6 New York that day, and they were supposed to train that
7 evening after he landed. He was supposed to originally
8 get in around 8:00 o'clock, and they were going to train
9 around 9:00 o'clock. And so he ends up sitting -- his
16:00:14 10 flight's delayed, ends up being delayed for four hours
11 on the tarmac, and he's sending lots of texts. And,
12 again, it's not just to Olab and Abel -- not just to
13 Abel, but, you know, many people he's interacting with.
14 But he is going back and forth with Abel because, again,
16:00:29 15 they're supposed to meet later that night.

16 So at some point when it's delayed as much as
17 it is and now he's getting in close to midnight, he
18 basically -- you know, there was a brief call between
19 them, and he lets him know that, you know, We're no
16:00:41 20 longer going to train tonight. Like, I just landed and
21 it's really late, and so we'll just do our morning
22 workout as planned.

23 And somewhere in that conversation, he -- the
24 trainer tells him, you know, just make sure eat tomorrow

1 and he's given him a nutrition plan. He's supposed to
2 eat, you know, kind of -- he has a regimented diet
3 and -- including four eggs and whatnot. And so Jussie
4 said I'm going to have to run out and get some. I don't
16:01:02 5 think I have any, but I'm make sure to go out and get
6 some eggs and, you know, eat.

7 So he was picked up that night. He had his
8 creative director was staying at Jussie's place. And so
9 his creative director picks him up, takes him home.

16:01:18 10 Once they get home, he then leaves, he's headed to
11 Walgreen's to go get some food for -- I mean, he's
12 hungry. He's been kind of on this flight delayed, he's
13 been sitting on a plane for seven hours, well, he wants
14 to get something to eat, he wants to get the eggs for
16:01:29 15 the morning. And so walks towards Walgreens except it's
16 closed as he approaches. He thought it was 24 hours,
17 and it turns out it's not, and then decides to go to
18 Subway.

19 He calls Frank, who's his creative director,
16:01:42 20 to see if Frank wants anything from Subway now that he's
21 headed there. Frank says -- the tuna sandwich was
22 actually for Frank. So frank tells him what his order
23 is, and he heads in, goes to the store, buys, you know,
24 himself a salad, a water, and gets Frank his tuna

1 sandwich.

2 MR. CAROLLA: Oh. Okay. Let's stop for one
3 second, Tina. Because so much early on was, If you
4 bought yourself a tuna sandwich, why would you still
16:02:59 5 have the tuna sandwich after --

6 MS. GLANDIAN: Right. And I'm going to get to that
7 because that's ridiculous. People acts like he was
8 holding onto the sandwich during the whole incident.
9 And let me just walk you through it, and I'll -- I'll
16:03:08 10 include that --

11 MR. CAROLLA: So he gets the sand- -- I'm sorry.
12 He gets the salad, he eats the salad at the Subway?

13 MS. GLANDIAN: No. He gets this all to go.

14 MR. CAROLLA: Okay. Sorry. Continue.

16:03:19 15 MS. GLANDIAN: He gets everything to go -- that's
16 okay.

17 And in the interim, he also is texting with
18 his music manager who he thought at that time who had
19 been in Australia -- he thinks he's in Australia. He
16:03:27 20 texts him saying, I don't know what time it is there,
21 but, you know, whenever you're available, give me a
22 call.

23 Music manager calls him as he's leaving
24 Subway, and he's on the phone with him. And he has his

1 actual telephone in his -- his cellphone in his pocket,
2 and he has an earpiece in one of his ears. And so
3 that's happening as he leaves Subway.

4 And at some point, you know, when he's getting
16:03:46 5 closer to his home -- and I don't know if this is clear,
6 as well, where this happened is right outside of his --
7 so it's right by the stairwell there. This wasn't, you
8 know, randomly in the middle of -- kind of the street
9 away from -- from this is -- you know, people knew where
16:04:02 10 to find him. This was right outside of his place.

11 Anyway, as he is nearing his apartment, that's
12 when, you know, he hears the yelling from behind. As
13 he's talking to his music manager, turns around, the
14 attack happens, and during this whole time -- so his
16:04:17 15 cellphone stays on during the entirety of the attack.
16 It falls out of his pocket, is laying on the sidewalk.
17 At some point, they're on the floor kind of hustling and
18 fighting while, you know -- he's getting kicked while
19 he's on the floor. And at some point, the -- the two
16:04:31 20 guys run off.

21 And he sits up, he realizes the phone is still
22 on, he picks it up, and his music manager is, you know,
23 kind of very concerned. Obviously, he's heard what --
24 what has happened, you know, how he -- what happened

1 and -- and, at that point, Jussie want to chase after
2 these guys. And he tells them, you know, I'm running
3 after them -- you know, because he realizes that what
4 made him realize that is that's the first time he saw
16:04:56 5 the noose thrown around his neck.

6 And so he says that he's going to go after
7 them, and the manager is asking him where he is, he
8 finds out he's outside his place tells, and, like, begs
9 him and tells him, No. You have to go inside. You
16:05:06 10 don't know if they have weapons, you don't know who they
11 are, what they are, and he just tells him, You have to
12 go inside. You have to go inside.

13 So he gets up, gathers everything that has
14 fallen -- and so his phone had fallen -- and grabs the
16:05:18 15 bag (unintelligible) grabbing whatever is yours, and he
16 goes inside --

17 MR. CAROLLA: Right.

18 MS. GLANDIAN: -- and he encounters his -- the
19 concierges at his building who, again, corroborates --
16:05:26 20 you know, there was some -- again, Eddie Johnson came
21 forward and said there was self-inflicted wounds. The
22 conci- -- which, again, is out of thin air, completely
23 fabricated. Because, first of all, the brothers come
24 forward and they say that we attacked him, and we

1 punched him, and we did these things, and then the
2 concierges also confirm that, you know, it's in the
3 police report that when he walks into the building, he
4 has scratches on his face and, you know, his hooded
16:05:51 5 sweatshirt was, you know, wet and dirty.

6 And, anyway, so he goes upstairs. He tells
7 him that he was jumped, and, you know, he's not really
8 responsive. And he ends up going upstairs. And he goes
9 up where Frank is, and he doesn't want to call the
16:06:05 10 police. Again, he -- As everyone who knows him will say
11 is generally he's a very private person, didn't want the
12 attention from this, is, you know, adamant that they not
13 kind of let this get out. And Frank says, No. This is
14 really serious.

16:06:19 15 And, again, there is a lot of realtime text
16 messages between Frank and other people close to him,
17 including his music manager who, at this point, is very
18 concerned because he heard, you know, what had happened.
19 Obviously, he was on the phone, and they're all texting
16:06:30 20 saying, you know, he doesn't -- he didn't want to call
21 the police. And Frank says, I ended up calling the
22 police because he was trying to be proud. He didn't
23 want do this --

24 MR. CAROLLA: Right.

1 MS. GLANDIAN: -- and he didn't want to -- he
2 didn't even want to go to the hospital.

3 MR. CAROLLA: Okay. So that --

4 MS. GLANDIAN: (Unintelligible) the police report
16:06:42 5 said that he did not want to call the police
6 (unintelligible.)

7 MR. CAROLLA: That -- That makes a lot of sense
8 with the sandwich, when you put it into that context
9 versus the, I held the sandwich the whole time.

16:06:51 10 MS. GLANDIAN: Sure.

11 MR. CAROLLA: I was beaten in the street.

12 But now that leads us back to cellphones and
13 cellphone records and turning in --

14 MS. GLANDIAN: Sure.

16:06:58 15 MR. CAROLLA: -- cellphones.

16 Couldn't this all be cleared up with that or
17 you tell me -- I'll -- I'll ask the tough questions.

18 How come we don't get the cellphone records
19 and the cellphones and corroborate all this stuff?

16:07:11 20 MS. GLANDIAN: Well, they have. I mean, the police
21 have all the cellphone records. They, obviously -- I
22 think, you know, subpoenaed the records, they have it
23 from -- they have the -- the communication.

24 He had provided -- you know, there was a lot

1 of talk about how he provided redacted phone records,
2 but, again, that was another myth. He never redacted
3 any information. What he provided was, you know, the
4 phone records from right before the attack 'til -- 'til
16:07:33 5 afterwards because that's what he, at the time, thought
6 was, you know, relevant to produce.

7 And, again, he is a public figure. Early on
8 in this case, things were leaking so fast, and he --
9 when he was asked to -- initially, they asked him to
16:07:47 10 provide his entire phone, and he just wasn't
11 comfortable. He had lots of photographs on it, he has
12 contact information, and other text messages, and he
13 didn't want to -- didn't want to have to turn this over
14 where he could provide whatever information they need in
16:07:58 15 more of a controlled setting.

16 But, again, there wasn't -- it's not like from
17 during -- from before or after the incident he redacted
18 calls he made or texts or anything of that nature. He
19 provided the full information.

16:08:08 20 MR. CAROLLA: I'm (unintelligible) when it comes to
21 technology.

22 Did -- Are you able to read a transcript or
23 see the text or hear a recording? Like, what -- how --
24 how in-depth are you and can you get with the cellphone

1 records, quote/unquote?

2 MS. GLANDIAN: So we've seen -- Well, we've seen
3 all of the text messages. And, again, the police have
4 all of the text messages. And there's nothing -- you
16:08:33 5 know, as Mark was says earlier, there is zero
6 independent corroboration in this case. There's a
7 couple things that they've taken -- you know, police
8 have taken out of context and tried to make it something
9 that it isn't.

16:08:44 10 And so I think one of the -- I think really
11 the -- the one that they relied on the most completely
12 taken out of text was a text message where Jussie texted
13 Abel and said, Hey, can you meet me and talk -- you
14 know, talk on the low, kind of face-to-face. And,
16:09:03 15 again, this is somebody who he regularly is seeing. At
16 this point, they're working out, and that text -- you
17 know, they took out of context to try to say that -- and
18 this was a few days before the attack.

19 So the police theory and what the prosecutor,
16:09:16 20 you know, said in her proffer was that that's when, you
21 know, he meets up with him, and in this brief, you know,
22 I don't know, it's a seven- or eight-minute
23 conversation, plans out this whole attack. And, in
24 fact, if you, actually, look at the text messages, you

1 know, what -- what he's actually referring to in that is
2 that when he had first started talking to Abel about
3 doing this workout plan -- and he was trying to shed
4 about 20 pounds for the music video because he had to be
16:09:41 5 shirtless --

6 MR. CAROLLA: Uh-huh.

7 MS. GLANDIAN: -- and he -- Abel had told him
8 that -- you know, because they were about to -- him and
9 his brother were about to go to Nigeria. He said
16:09:49 10 there's these herbal steroids you can take that
11 really -- that are illegal here in the US but that I can
12 get in Nigeria, and it helps you shed fat very quickly.
13 So if you are interested, let me know.

14 And so, at this point, Jussie -- you know, if
16:10:00 15 you read the text messages, he's actually texting him,
16 they're talking about the nutrition, they're talking
17 about the workout plan and all of that. And then in the
18 midst of one of the texts which, you know, was -- in
19 context, if you read it, he says, you know, Can you
16:10:13 20 actually -- Hey, meet up with me. You know, I want to
21 talk to you face-to-face, because he wanted to tell him
22 to get these steroids from Nigeria, and he didn't want
23 to put that in a text. He was just being cautious and
24 thought, you know, When I see him, I'll tell him rather

1 than -- but, you know, it's absurd when you think of
2 that being the text that led to all of this in the
3 context of what they're talking about.

4 MR. CAROLLA: And -- All right. Much like the
16:10:36 5 sandwich, that's -- definitely make sense now.

6 And, just for people listening who are going
7 to send me horrible Tweets, I'm really here trying to
8 figure out what makes -- what is possible and what's not
9 possible. So when you hear their version on the low,
16:11:33 10 you go, Whoa, why do you need to talk to your personal
11 trainer on the low unless it's -- well, if your personal
12 trainer is going to Nigeria, and he was going to get you
13 some human growth hormone, and you didn't want this
14 out -- out in the whateverosphere, then you could. And
16:11:47 15 I'm not saying it absolutely was; I'm just saying we
16 have a context now.

17 So --

18 MS. GLANDIAN: Right.

19 MR. CAROLLA: -- motivation, what would be the
16:11:58 20 motivation for these fellas, Abel and his -- his older
21 brother to do this?

22 MS. GLANDIAN: Right. And that's -- I mean, that's
23 a great question. Because you really have to -- It's
24 not even just what -- what their motivation would be,

1 but you have (unintelligible), you know, both possible
2 motivations.

3 So what their motivation would be -- and,
4 again, keep in mind these are two brothers who came
16:12:18 5 forward when all this happened and put out a statement,
6 We're not homophobic, you know, and strongly took that
7 position.

8 And shortly after, it was revealed that there
9 was, in fact, not only homophobic Tweets from their

16:12:30 10 Twitter account from several years ago, but two
11 independent people came forward from Empire and said,
12 you know, Abel had actually made extremely homophobic
13 comments early on when he had, you know, been on the
14 show where it was quite surprising, you know, using the
16:12:45 15 word faggot and saying, I would never be friends with
16 someone who was gay, and just, you know, taking a really
17 strong homophobic stance on things.

18 And so, you know, that came out. And then,
19 you know, in talking to Jussie, I found it out that, you
16:12:57 20 know, he and Abel had been hanging out a lot and they
21 were friends, and, you know, he was not just his
22 trainer, but they were actually friends, and they would
23 socialize and go out. And about ten days before the
24 incident, Abel actually spent the night at Jussie's

1 place.

2 And my theory, at least, is that, you know,
3 the older brother who lived with Abel saw that his
4 younger brother didn't come home, started wondering what
16:13:25 5 this relationship really is -- and keep in mind, Abel is
6 also playing the role on the show, he's the stand-in for
7 Jussie's love interest.

8 MR. CAROLLA: Uh-huh.

9 MS. GLANDIAN: And so I think -- you know, it's one
16:13:38 10 thing he's playing the -- the -- this character, now
11 he's hanging out with this openly gay man, and now he
12 spent the night there. So I think he starts thinking to
13 himself, you know, what's really going on here.

14 MR. GERAGOS: Wow. Tina -- Tina Glandian with the
16:13:50 15 theory, the throw down theory and motive.

16 MR. CAROLLA: Well, you know --

17 MS. GLANDIAN: Well, I have a very specific theory.

18 MR. CAROLLA: All right. I'm -- I'm in.

19 Would -- But -- So I -- I don't know --

16:14:01 20 MS. GLANDIAN: I think it was -- Just to finish
21 that, I think it was kind of a test, the older brother
22 testing the younger brother. You know, they're leaving
23 for Nigeria, and I think he wants to make sure he
24 understands this relationship, and it's not what, you

1 know, he fears it might be.

2 MR. CAROLLA: It's -- It's -- It's definitely a
3 theory. It's certainly a bunch of information we didn't
4 really have before.

16:14:21 5 I -- I don't know if you know, and I don't
6 know if you can express it if do you know it, but I've
7 had plenty of dudes spend the night at my bachelor pad
8 because they drank too much and didn't get laid and
9 ended up passing out, like, on the sofa kind of thing.

16:14:35 10 Do -- Was there a relationship or was it a
11 crashing on the sofa?

12 MS. GLANDIAN: No. But I'm saying -- What I'm
13 speaking to is what the older brother would have
14 thought --

16:14:44 15 MR. CAROLLA: I get it.

16 MS. GLANDIAN: -- because he knows that Jussie is
17 openly gay.

18 MR. CAROLLA: Right.

19 MS. GLANDIAN: And, you know, the brother is
16:14:48 20 playing the love interest (unintelligible.)

21 MR. GERAGOS: Unlike -- Unlike Adam who had --

22 MR. CAROLLA: Closeted.

23 MR. GERAGOS: -- never been accused of that.

24 MR. CAROLLA: I wish one gay guy would just hit on

1 me once. Just once so I can say no or even maybe now.

2 So, okay, white -- white -- two white guys,
3 why would he say two white guys?

4 MS. GLANDIAN: Okay. That's again another --

16:15:17 5 MR. CAROLLA: What did he say? What did he say?

6 MS. GLANDIAN: He never said two white guys. First
7 of all, he only saw one attacker. He didn't -- The
8 other one kind of approached once he was already on the
9 floor and he was being kicked. He never saw the second
16:15:28 10 attacker.

11 As far as the one who he did see, there was a
12 ski mask on his face, and, you know, this was, again,
13 a 30- to 45-second incident where the first point of
14 contact is a punch to his face.

16:15:41 15 But moving past that, you know -- and I know I
16 mentioned the white face makeup and all of that, and --
17 you know, but putting that aside for a second, it's
18 interesting because all of the initial reports that
19 Jussie gave all of the police reports, there's no
16:15:55 20 mention of any sort of reference to the attacker being
21 white. That, you know, is something later that, you
22 know, he said was his memory of what happened, and I
23 think it's interesting how memory works.

24 If you actually kind of have an understanding

1 of it, it's not -- your brain isn't like a video camera
2 where if you want a memory, you just call it up and
3 press play. Memory is constructed. And so here you
4 have this incident that happened, and there's,
16:16:25 5 obviously, statements made and, you know, the overall
6 impression I think after the fact was he's trying to
7 construct the memory of what happened. I think that's
8 when at some point this would only make sense to him
9 that it was -- you know, that that's what he -- he
16:16:42 10 thought --

11 MR. CAROLLA: Yeah.

12 MS. GLANDIAN: -- he remembered.

13 You know, and, again, that's -- because to me
14 it's really significant that that's nowhere in any of
16:16:51 15 the initial police reports that were taken.

16 MR. CAROLLA: Yeah.

17 MS. GLANDIAN: But then also, you know, yeah, I did
18 put that out there because that -- that exists, that's a
19 real -- you know, this is an actor who has access to
16:17:02 20 makeup. Obviously, this attack was -- you know, they
21 used a number of props, so do I think it's ridiculous
22 that, you know, if they were going doing this with
23 all -- you know, with the ropes and the bleach that they
24 put in a little hot sauce bottle and everything else

1 that -- is it crazy that they would put, you know,
2 makeup under the ski mask? I don't think that's crazy.

3 MR. CAROLLA: I have -- I have a theory, and,
4 obviously, it's going to be tough for either one of you
16:17:28 5 to comment on it, but it's -- I think it's -- I have a
6 hybrid theory, a -- a meet-in-the-middle theory.

7 MS. GLANDIAN: Okay.

8 MR. CAROLLA: I'll -- I'll ask Gary --

9 GARY: Sure.

16:17:36 10 MR. CAROLLA: -- what he thinks.

11 And -- And thank you for spending so much time
12 on this, Tina. I find this really fascinating.

13 MS. GLANDIAN: Sure.

14 MR. CAROLLA: I've started to formulate a theory
16:17:48 15 only based on talking to Mark and -- and Tina, and --
16 but I had it a few days ago.

17 I believe there could be a possibility of both
18 things happening. I believe he could have been attacked
19 by these two brothers, and I believe he could have not
16:18:09 20 summoned the brothers or laid it out in advance or paid
21 them money or anything else.

22 I also believe he could have taken the attack
23 as an opportunity, whether it be conscious or not, he's
24 very pro left, he's very -- you know, the whole

1 movement, GLAAD, everything else, very anti-Trump. I
2 believe he could have -- I'll say, for the sake of this
3 conversation, subconsciously turned it into an
4 opportunity to go, I hate this side so much, somebody
16:18:44 5 attacked me, it must be someone from that side.

6 GARY: I can totally subscribe to that.

7 MS. GLANDIAN: Well, let me --

8 GARY: I -- I would say that, you know, maybe he's
9 just there -- he's so conditioned to be distrusting of
16:18:58 10 that side that when he got attacked, he thought, Well,
11 of course, it has -- that has to be a component of that
12 and just add it in there.

13 MR. CAROLLA: Yeah, Gary. Like, when you hear
14 about --

16:19:07 15 MS. GLANDIAN: Sure.

16 MR. CAROLLA: -- a drive-by shooting, you think
17 it's the other side; not me, but that's Gary.

18 Sorry. Go ahead, Tina.

19 MS. GLANDIAN: And I -- And that makes sense to me
16:19:15 20 as to his state of mind, you know, for -- you know,
21 let's say maybe thinking this was the person -- the
22 attacker was a white person.

23 Again, I don't -- you know, I think that
24 certainly could have been a fair kind of -- whether you

1 call it a mistake or unconscious kind of memory or
2 whatever, I -- I think that certainly could be true. I
3 think -- obviously, I don't believe this was a hoax in
4 any way, but I think as far as the -- the kind
16:19:42 5 of publicity --

6 MR. CAROLLA: I'm sorry. Tina, let me just --

7 MS. GLANDIAN: I think it's important to know --

8 MR. CAROLLA: Let me just jump in for one second.

9 MS. GLANDIAN: Sure.

16:19:49 10 MR. CAROLLA: I don't think -- I'm not saying hoax;
11 I'm saying something happened --

12 MR. GERAGOS: Right. He's saying that there's a --

13 MR. CAROLLA: -- to you, and you're sort of
14 spinning it in your mind. Obvious -- There's a couple
16:19:59 15 things: If you're ever attacked, it's sort of like a
16 car accident. You really -- Your -- You go into fight
17 or flight, and your memory is really shady because
18 you're -- thank goodness, by the way, most people get in
19 car accidents, can't remember everything. They just
16:20:13 20 remember waking up in the hospital or they remember the
21 firemen hitting them on the shoulder. Even if they're
22 not knocked out, they go into a state, right?

23 And then later on, if you're trying to
24 reconstruct the accident, as it were, you go, Well, it

1 was probably a drunk driver who was speeding because
2 that's where you're reconstructing.

3 MS. GLANDIAN: Right.

4 MR. CAROLLA: So I'm not saying hoax; I'm saying
16:20:35 5 reconstruction --

6 MS. GLANDIAN: Yeah. No. No. I agree with that.
7 I think that's absolutely --

8 MR. CAROLLA: -- with --

9 MS. GLANDIAN: -- possible.

16:20:38 10 MR. CAROLLA: -- with a narrative, though, with --
11 with a possible narrative that suits your -- your --
12 your politics.

13 Sorry. Go ahead.

14 MS. GLANDIAN: But the thing is he actually never
16:20:48 15 wanted this to be public. And that's where I -- I
16 disagree. Because even the letter that was sent to
17 Empire a week before this happened, if you ask people at
18 Empire, he didn't -- he was going around the studio
19 begging people to keep this quiet because he didn't want
16:21:03 20 this to be something that defines him or that people are
21 talking about or, you -- you know, he didn't want that
22 to be public.

23 Then when this incident happened, he -- you
24 know, doesn't want to call the police, he doesn't want

1 to go to a hospital, he wants to keep this quiet. And,
2 you know, after the fact, he had actually been offered
3 to go on stage with Alicia Keys at the Grammys, you
4 know, to kind of talk about what happened and to, you
16:21:27 5 know, just speak on this, and he declined that.

6 And there is, again, text messages and a -- a
7 witness who had come forward from -- who is the booker
8 for the Grammys who said, Oh, yeah, you know, I got a
9 text message that says, Tell Alicia, you know, thank
16:21:40 10 you. I love her. Thanks for thinking of me, but I'm
11 not ready. And, you know, he -- he declined because,
12 again, he did not want this to be something that he's
13 out there talking about and making it a story or a
14 headline or anything else.

16:21:53 15 And so it's completely inconsistent with a lot
16 of the, you know, theory out there --

17 MR. CAROLLA: Well --

18 MS. GLANDIAN: -- whether it's -- it's what you're
19 saying or whether this was a hoax. Obviously, the only
16:22:03 20 reason you would do a hoax is so you can speak about it
21 and you can publicize it, and this is someone who wanted
22 to keep this private.

23 MR. CAROLLA: He -- Well, he sat down with Robin
24 Roberts.

1 MS. GLANDIAN: Well, the GMA -- yes.

2 MR. CAROLLA: I can't remember who he sat down
3 with.

4 MS. GLANDIAN: The GMA interview.

16:22:15 5 MR. GERAGOS: Robin Roberts, exactly.

6 MR. CAROLLA: Sorry.

7 MS. GLANDIAN: Yeah. But the only reason he did
8 GMA was, at that point, the narrative had completely
9 shifted where everyone thought he had made this up. And
16:22:24 10 so it was kind of a reaction to that. This isn't
11 something he did when -- you know, when people still
12 believed he was a victim. This was when everybody had
13 come forward doubting his story, and he was pushed into,
14 You have to go out. The public has to hear from you.

16:22:37 15 And, you know, that's why he -- he's on there,
16 and he sounds defensive because he had to put in a
17 defensive position to try to explain that he's telling
18 the truth.

19 MR. CAROLLA: So, once again, he didn't want
16:22:48 20 publicity, but when he did publicity, it's because this
21 thing got too far down the road, and now he felt like he
22 needed to make a statement.

23 MS. GLANDIAN: Exactly.

24 MR. CAROLLA: Predictions: Where are we a month

1 from now with this entire endeavor, besides 5 million
2 Tweets calling me a dick head?

3 Gary says we're up to 7.5 million now, it's
4 not 5. Sorry. It's a whole week -- or a month.

16:23:17 5 Where -- Where are -- Where are we a week from
6 now? A month from now?

7 MR. GERAGOS: This is your first -- This is your
8 first hater in your whole experience? You get Hollywood
9 hate.

16:23:25 10 MR. CAROLLA: I don't have thick skin like you,
11 Mark. I -- I -- I -- I -- I was home reading my Tweets,
12 and I was about -- the third one calling me an asshole,
13 and I really went, like, What's going on in the air.
14 I -- I get a lot of praise.

16:23:39 15 MR. GERAGOS: Why am I'm friends with Geragos? I
16 want -- (unintelligible) friendship.

17 MR. CAROLLA: Oh, my, God. That's the No. 1
18 subject line.

19 All right. Sorry. Predictions --

16:23:47 20 MS. GLANDIAN: Well, it depends. I think if -- if
21 City of Chicago does the right thing, then a month from
22 now, Jussie is finally trying to just move forward with
23 his life and actually heal from this and just move on.

24 If they want it persist down this path, I

1 think we'll be in litigation with -- you know, probably
2 for a while to come. So I think it will really depend
3 on their next move. I think, again, in our letter, we
4 point out all the reasons why they can't and shouldn't
16:24:16 5 file the civil lawsuit against Jussie, but we'll see
6 what they do.

7 MR. CAROLLA: I -- I get the feeling that that they
8 don't want to call the bluff because once you guys start
9 rummaging through their trunk, you're going to find a
16:25:30 10 lot of -- of goodies.

11 Tina Glandian, is that how I'm -- pronounce
12 it?

13 MS. GLANDIAN: Correct. Yes. Perfect.

14 MR. CAROLLA: Thanks for taking the time. I do
16:25:39 15 appreciate it.

16 MS. GLANDIAN: Thanks, Adam. (Unintelligible.)

17 MR. CAROLLA: Mark -- Mark wants you to know you're
18 off the clock during this particular time.

19 MS. GLANDIAN: Perfect. That's going to happy
16:25:45 20 hour.

21 MR. CAROLLA: No billable hours here, Mark.

22 Thanks, Tina.

23 MS. GLANDIAN: All right. Thanks, Adam.

24 MR. CAROLLA: Appreciate it.

1 Wow.

2 MR. GERAGOS: Yeah.

3 MR. CAROLLA: Interesting.

4 (38:32 into the podcast was a
16:27:10 5 commercial for True Car.)

6 MR. CAROLLA: All right. So that was enlightening.
7 And, look, everyone who's listening --

8 MR. GERAGOS: I'm really kind of -- I'm --

9 MR. CAROLLA: Yes.

16:27:18 10 MR. GERAGOS: -- I'm really -- yes. So go on,
11 Adam. (Unintelligible.)

12 MR. CAROLLA: Well, here's what I want to say --
13 Here is what I want to say: People have a notion and
14 they -- they think he's -- it's a hoax, it's not a hoax,
16:27:30 15 whatever their notion is.

16 I'm interested when I hear, like, Well, if a
17 guy -- if a couple of thugs attacked you in the street,
18 why would you, then, walk in the lobby of your building
19 eating a tuna fish sandwich? And I go, Okay. Yeah,
16:27:43 20 that -- that is something, why would do you that if you
21 were attacked in the street?

22 But if Gary told me to get him a tuna sandwich
23 from Subway and I was walking home and a couple guys
24 jumped on me and I dropped the bag, just like if I

1 dropped my phone or -- or my briefcase, backpack or
2 anything else, when I was done, I'd get up on my feet
3 and I collect all the stuff that I dropped or was in the
4 bag or was in the sort of debris circle, and I would
16:28:12 5 walk back in with it.

6 So I'm not here to say that means it didn't
7 happen, I'm just here to say that, Okay, we have an
8 explanation for the sandwich and with the text on the
9 down low. We have one for that, too. Sorry. Go
16:28:27 10 ahead -- or on the low.

11 MR. GERAGOS: I just going to say what really
12 bothers me about this case and the reason I think I said
13 three weeks ago that I was willing to wade into this and
14 take all of the bric-a-bracs is when people say I've
16:28:44 15 already made up my mind, I know what the evidence is,
16 and, you know, you're full of shit, what are you talking
17 about, blah-blah-blah -- not you, but me -- my question
18 is, How is it that you know this, number one, when they
19 haven't turned over or made public any of the
16:29:03 20 information? All you know is what was said to you by --
21 in a press conference, and wasn't said to you, it was
22 done on the Thursday before a Tuesday mayoral election,
23 and you're the same person who would say, Why isn't
24 Chicago doing this? You're the same person or the same

1 mayor who sat on the Laquan McDonald videotape until a
2 Federal Court ordered it to be turned over a year later
3 so you know -- and there's demonstrable corruption in
4 that department, and you're probably team anti-Chicago
16:29:41 5 which is under a -- the Chicago Police Department, at
6 least -- which is under a Federal Court consent order,
7 where are you getting your information that you are so
8 positive in your belief that what you think is true?
9 That's what just drives in crazy.

16:29:59 10 MR. CAROLLA: Well, again, if you're turning on the
11 news, you turn it on the day after the attack, and this
12 guy was attacked in the streets by white supremacists
13 who were -- who are wearing MAGA hats, and then you turn
14 on the news one week later, and why would this guy have
16:30:16 15 the tuna fish sandwich in his hand, and, oh, by the way,
16 there's a text with him wanting to meet the -- the --
17 the assailant to have an on-the-low conversation with
18 him, and then you go -- you swing hard the other
19 direction and you go, Huh, now I know for sure this
16:30:33 20 story.

21 So I knew for sure the story the day after,
22 couple of white supremacists attacked a young gay black
23 man, and then a week after that, I knew the story for
24 sure, the black man put on a hoax in order to get

1 attention for himself in a higher -- and a pay raise
2 on -- on his television series.

3 MR. GERAGOS: Right. Right.

4 MR. CAROLLA: So that's how -- that's how we are.

16:30:57 5 You live somewhere in the middle, and most of us swing
6 hard this way, look at, every -- almost every single
7 person except for A.J. Benza, who announced he didn't
8 believe it the second it happened, every single person
9 in -- in America said, No. This guy was attacked on the
16:31:16 10 street by a couple of racist thugs, and then one week
11 later, every single person in America said, This guy
12 staged a hoax. So that's kind of who we --

13 MR. GERAGOS: Yeah. I mean, you don't
14 (unintelligible) --

16:31:27 15 MR. CAROLLA: -- it's who we are.

16 MR. GERAGOS: And if you go back and listen, you
17 know, we were skeptical going in, you and I
18 collectively -- so if anybody wants to go back and look
19 at the record, we were skeptical going in, and skeptical
16:31:41 20 going out.

21 So I -- it's all -- it's kind of -- kind
22 of my -- the -- if we had Drew here, I think he would
23 tell you, it's the -- one of the things that you do
24 or -- you know, Drew will argue and -- and you probably

1 heard it, what, 5,000 times about the value of a liberal
2 arts education. And one of the only things -- redeeming
3 thing -- that I can say about a liberal arts education
4 is to the degree that it teaches you to critically
16:32:11 5 think -- and, obviously, Adam you do that naturally --
6 but that is kind of what you would hope out of people is
7 just do some critical thinking. And if you're sitting
8 and listening to Reasonable Doubt, then, you know, it's
9 the same thing where they critic- -- we're trying to
16:32:25 10 critically think as opposed to just accept what is spoon
11 fed to us.

12 MR. CAROLLA: Right. By the same news networks
13 either -- whichever way the pendulum speaks, the same
14 group has swung, that -- the news world doesn't want to
16:32:43 15 live in the middle. They're -- They don't -- There's no
16 such headline --

17 MR. GERAGOS: No.

18 MR. CAROLLA: -- as, well, maybe, sort of, kind of,
19 probably, or sort of happened, it's just, This is what
16:32:51 20 happened over here, or -- and now, This is what happened
21 over there. That's how they -- they make their money.
22 They don't have any 4s or 5s. They're all 10s. And
23 they're not all the -- going the same -- same direction.

24 MR. GERAGOS: Right.

1 MR. CAROLLA: On a -- On a -- Before we wrap it up,
2 speaking of, like, Muller Report, where -- what's
3 your -- what's your head on -- on that and what's moving
4 forward and what should be done and where everyone's
16:33:18 5 going with it?

6 (Approximately 45:50 in the podcast,
7 they start on a different subject
8 from the Smollett topic until the
9 end of the Reasonable Doubt podcast
10 recording at 53:00.)
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[illegible]

The within and foregoing recorded audio excerpt was taken down stenographically and transcribed to the best of her ability by Traci L. Gidley, Certified Shorthand Reporter, Registered Professional Reporter, and Notary Public at the offices of Jensen Litigation Solutions, 180 North LaSalle Street, Suite 2800, Chicago, Illinois, at 5:00 p.m. on June 8th, 2019.

Witness my official signature in and for Cook
County, Illinois, on this 20th day of June, A.D.,
2019.

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